



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.21890 of 2019

and

W.M.P.(MD)Nos.18648 to 18650 of 2019 and 9235 of 2021

M.Sekar

... Petitioner

-Vs-

1.The Registrar,  
The Registrar of Co-operative Societies,  
No.170, EVR High Road,  
Kilpauk, Chennai-600 010.

2.The President,  
Head Office,  
No.178-Thiruchirappalli District Central  
Co-operative Bank Ltd.,  
No.2, Fort Station Road,  
Thiruchirappalli-2.

3.The Managing Director / Joint Registrar,  
Head Office,  
No.178-Thiruchirappalli District Central  
Co-operative Bank Ltd.,  
No.2, Fort Station Road,  
Thiruchirappalli-2.

4.P.Baskar

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned orders of the 3<sup>rd</sup> respondent passed in 17.06.2019 in No.6682/03-04 A-1 dated 17.06.2019 and in No.1324/10 (D1) A10 dated 31.07.2019 and quash the same consequentially direct the 2<sup>nd</sup> respondent to pass an order of promotion to the petitioner as Assistant General Manager w.e.f. 17.06.2019 and to pay the consequential arrears and other monetary benefits to the petitioner.

|                |                                                                                                |
|----------------|------------------------------------------------------------------------------------------------|
| For Petitioner | : Mr.I.Suthakaran                                                                              |
| For R1         | : Mr.P.Thilak Kumar,<br>Government Pleader<br>assisted by Mr.M.Ramesh,<br>Government Advocate. |
| For R2 and R3  | : Mr.D.Shanmugaraja Sethupathy                                                                 |
| For R4         | : No Appearance                                                                                |

**ORDER**

The orders passed by the third respondent / Managing Director of the District Central Co-operative Bank Ltd., dated 17.06.2019 and  
<https://hcservices.ecourts.gov.in/hcservices/>



31.07.2019 are under challenge in the Writ Petition.

2.The petitioner seeks promotion. The orders impugned have been passed by the Managing Director of District Central Co-operative Bank, which is registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'the Act') and therefore, the petitioner has to exhaust the statutory remedies contemplated under the Act itself. A provisions for revision is available under Section 153 of the Act. If at all the Joint Registrar cadre officer is functioning as Managing Director, then the revision may be entertained by the Registrar of the Co-operative Society, who is the original authority under the provisions of the Act.

3.No Writ Petition needs to be entertained in respect of the orders passed by the Managing Director of Co-operative Society, as the Co-operative Society is not a State within the meaning of Article 12 of the Constitution of India and the legal positions in this regard are also settled by the Larger Bench of this Court, in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies and another** reported in **2006 (4) CTC 689**. Thus, the writ petitioner has to exhaust the statutory remedy contemplated under Section 153 of the Act for the purpose of redressal of his grievances. Thus, the petitioner is granted with liberty to approach the competent authority.

4.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

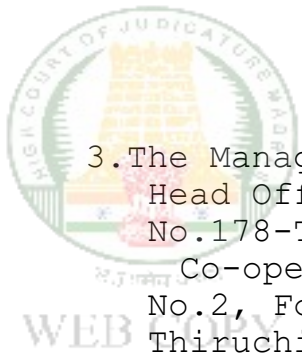
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To

1.The Registrar,  
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No.170, EVR High Road,  
Kilpauk, Chennai-600 010.

2.The President,  
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3.The Managing Director / Joint Registrar,  
Head Office,  
No.178-Thiruchirappalli District Central  
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+1 CC to M/s.I.SUTHAKARAN, Advocate ( SR-7969[F] dated 23/02/2022 )

+1 CC to M/s.SPL GP ( SR-7752[F] dated 22/02/2022 )

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate ( SR-7872[F] dated 22/02/2022 )

W.P. (MD) No.21890 of 2019  
21.02.2022

SAR(CO)  
KB(03.03.2022) 3P 7C